

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JEFFREY DENMAN, #06640-078,	)	
	)	CIVIL ACTION NO.
Petitioner,	)	
	)	3:16-CV-1188-G (BK)
VS.	)	
	)	CRIMINAL ACTION NO.
UNITED STATES OF AMERICA,	)	
	)	3:05-CR-051(03)-G
Respondent.	)	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Petitioner filed objections, and the district court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the court **ACCEPTS** the findings, conclusions and recommendation of the United States Magistrate Judge.

It is therefore **ORDERED** that the motion for reconsideration under FED. R. CIV. P. 60(b) is **CONSTRUED** as a successive motion to vacate sentence under 28

U.S.C. § 2255 and that it is **TRANSFERRED** to the **United States Court of Appeals for the Fifth Circuit**. *See* 28 U.S.C. § 2244(b)(3); 28 U.S.C. § 1631.\*

The Clerk of the Court is **DIRECTED** to **OPEN** and **CLOSE**, for administrative purposes, a new civil action (NOS 510, assigned to the same district judge and magistrate judge as this case) based on the finding that the Rule 60(b) motion is a successive application.

May 1, 2017.

  
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A. JOE FISH  
Senior United States District Judge

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\* An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. See *United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015); *Brewer v. Stephens*, 605 Fed. App'x. 417 (5th Cir. 2015) (per curiam).